



KRONENBERGER ROSENFELD

MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/30/22

March 29, 2022

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

VIA ECF

Re: *Tavarez v. Moo Organic Chocolates, LLC*; Case No. 1:21-cv-09816-VEC

Dear Judge Caproni:

This firm represents Defendant Moo Organic Chocolates, LLC (“Defendant”) in the above-referenced action.

Pursuant to the Court’s Individual Practices in Civil Cases, paragraph 2(C), Defendant hereby respectfully requests an adjournment or postponement of the Scheduling Conference set for Friday, April 1, 2022 at 10:00 a.m. Eastern Time to allow the parties time to finalize a settlement in this action. Alternatively, Defendant requests that its counsel be permitted to appear telephonically at the Scheduling Conference.

- 1) **The reason for the proposed adjournment or extension:** Defendant requests an adjournment or postponement of the Scheduling Conference because undersigned counsel was just today retained by Defendant to represent it. In addition, Defendant has been in settlement discussions with Plaintiff and is close to reaching a settlement in principle.
- 2) **The original due date:** The original date of the Scheduling Conference is April 1, 2022 at 10:00 a.m. Eastern Time.
- 3) **The number of previous requests for adjournment or extension of time:** No previous requests for adjournment or extension of time have been requested.
- 4) **Whether the other party or parties consent and, if not, the reason given for refusing to consent:** Defendant’s counsel has agreed to postpone the hearing in light of new counsel and ongoing settlement discussions, but counsel was not available to agree to the form and substance of this request before the deadline to file because he was out of the office sick.
- 5) **Proposed alternative dates:** Defendant proposes the Court reschedule the Scheduling Conference on May 6, 2022 or May 27, 2022, to allow sufficient time for the parties to resolve the dispute.

In the alternative, Defendant respectfully requests permission to appear telephonically at the hearing, as Defendant’s counsel is located in California, and it would be in the interests of

justice to permit Defendant to appear telephonically so as not to incur additional costs and expenses on the eve of settlement.


Respectfully Submitted,

s/ Karl S. Kronenberger

Karl S. Kronenberger

Application GRANTED. The Initial Pre-Trial Conference currently scheduled for Friday, April 1, 2022, at 10:00 a.m. is hereby ADJOURNED *sine die*. The parties must file an update with the Court regarding the status of settlement not later than **April 13, 2022**.

SO ORDERED.

 3/30/22

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE